

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS
Regular Meeting

April 5, 1979
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Invocation was given by Sister Gertrude Levy, Seton Medical Center.

SISTER MARY STELLA WEEK

Mayor McClellan read a proclamation and presented it to Sister Mary Stella of Seton Medical Center where she has served as Director of Neonatal Nursing. Sister Mary Stella thanked the Mayor and Council for the resolution. Sister Gertrude Levy of Seton Medical Center was also in the Council Chamber.

MEDICAL LABORATORY WEEK

Councilmember Himmelblau read a proclamation designating the week of April 8-14, 1979 as Medical Laboratory Week. Mrs. Ann Valdez, President, Texas Society for Medical Technology, and Mrs. Dinah Jungmichael, President, Austin District Society for Medical Technology, were present in the Council Chamber to accept the proclamation with their thanks and appreciation.

April 5, 1979

CITY OF AUSTIN, TEXAS

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

DISPOSITION OF LAND

Councilmember Trevino moved that the Council adopt a resolution to dispose of a certain tract of land on Scenic Drive to the Bello Vista Subdivision. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

Ancco, Inc. is the buyer.

RELEASE OF EASEMENTS

Councilmember Trevino moved that the Council adopt a resolution to release the following Easement:

A ten (10.00) foot Drainage Easement of record in Volume 5840 at page 396 of the Deed Records of Travis County, Texas.
(Requested by Bryant-Curington, Agent for Austin Mall Company)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to release the following Easement:

A portion of a 10.00 foot Public Utilities Easement adjacent to the north property line of Lot 1 and Lot 2, Ethel Robbins Subdivision. (Requested by Mr. John F.K. McGill, representing Mr. H.W. Davis, owner)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

STROKE AWARENESS DAY

Mayor McClellan read a proclamation designating April 5, 1979 as Stroke Awareness Day. Mr. Murry Yantis, President, Austin Stroke Club; Ms. Lois Rollins, President, Rosewood-Zaragosa Stroke Club; and Ima Bunting, Stroke Club Coordinator, were in the Council Chamber to accept the proclamation with their appreciation.

RESOLUTION FROM AMERICAN INSTITUTE OF ARCHITECTS

Mr. Bob Coffee appeared before Council to make a special presentation to them. As president of the Austin Chapter, American Institute of Architects, he read a Resolution to Council from their executive committee, which he said, expresses in a small way their appreciation to Council for the work they have done in rejuvenating the heart of Austin. The Mayor and Council accepted the Resolution with their deep appreciation and thanks.

BOARD & COMMISSIONS

Mayor McClellan announced the following Boards and Commission appointments will be made April 19, 1979:

Wrecker Standards Commission, 2
On-Going Goals Committee, 3
Dental Health Advisory Committee, 9
Library Commission, 7
Elisabet Ney Museum, 7
Commission on the Status of Women, 2
Building Standards Commission, 1
Citizen's Board of Natural Resources and Environmental Quality, 1
Community Development Commission, 7
Energy Conservation Commission, 1
Hospital Board, 1

On May 3 the following appointments will be made:

Urban Transportation Commission, 2
Board of Equalization, 3
Manpower Planning Council, 1

LAND ACQUISITION

Councilmember Trevino moved that the Council adopt a resolution to acquire certain land for the Barton Creek Greenbelt, Phase II, CAPITAL IMPROVEMENTS PROGRAM.

2.75 acres of land out of the Alexander Eanes Survey. (N.J. Walker)

Councilmember Trevino moved that the Council adopt a resolution to release the following Easement:

A portion of a seven and one-half (7.50) foot Public Utilities Easement out of Lot 26, Block A River Oaks Lake Estates, Section 4. (Requested by Mr. James Lee, owner)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

CHANGE ORDERS

Councilmember Trevino moved that the Council adopt a resolution to approve a Construction Change Order in the amount of \$8,068.80 to Robert C. Gray Construction Company for St. Elmo Street and Drainage Improvements, South First to South Congress. CAPITAL IMPROVEMENTS PROGRAM. No. 78/62-04. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to approve a Construction Change Order in the amount of \$11,386.32 to Clearwater Constructors, Inc. for Stassney Lane Improvements Phase I. CAPITAL IMPROVEMENTS PROGRAM No. 73/62-30. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to approve a Change Order in the amount of \$10,100.00 to Dalmark Inc., for Old U.S. Highway 183 eight inch wastewater main. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

CASH SETTLEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize the following cash settlement:

GREEN TRAILS ESTATES - In lieu of a five-year approach main contract for wastewater approach main installed to serve Green Trails Estates. (Developers cost \$11,543.29; city cost \$4,328.74)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen, Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

PAYMENT AUTHORIZED

Councilmember Trevino moved that the Council adopt a resolution to authorize payment to the following:

GREEN TRAILS ESTATES - The cost difference of 12"/8" water main installed to serve Green Trails Estates - \$17,786.80

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen, Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to select the firm of Brytest, Inc. for professional soils investigation and engineering testing services for Upper Shoal Creek Wastewater Interceptor for Water & Wastewater Department. CAPITAL IMPROVEMENTS PROGRAM NO. 72/50-16. The motion seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen, Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to select the firm of White, Dolce & Barr for architectural services for the Natural Science Center. CAPITAL IMPROVEMENTS No. 77/86-15. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

LICENSE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to approve a License Agreement for the University of Texas Water Ski Team to permit the placement of a regulation water ski jump on Lake Long within Walter E. Long Park. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

Council did not waive fees.

CONTRACTS APPROVED

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

PUMPING SYSTEMS, INC.
11410 Harry Hines
Dallas, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Prefabricated pump station, Parks
and Recreation Department.
Item 1-6 - \$23,796.00
C.I.P. No. 76/86-37

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

GENERAL ELECTRIC COMPANY
1600 N.E. Loop 410
San Antonio, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
One Group of Protective Relays,
Item 1 - \$103,766.38
C.I.P. No. 76/35-02

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

OLIN BRASS
Shamrock Street
East Alton, Il.

- Condenser Tubing, Electric
Utility Department.
Item 1.1 - \$197,609.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

WESTINGHOUSE ELECTRIC SUPPLY CO.
9230 Research Boulevard
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Cluster Mounted Capacitor Banks
and Capacitors, Electric Utility
Department.
Items 1-3 - \$43,775.00
C.I.P. No. 75/20-20

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

DUNCAN INDUSTRIES	- Parking Meters, Urban Transportation
751 Pratt Boulevard	Item 1-2 - \$29,993.00
Elk. Grove Village, Illinois	

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

CRISIS INTERVENTION PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to accept a grant of \$40,513 from the Community Services Administration to conduct the Crisis Intervention Program in Austin and Travis County. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

CETA TITLE III - HIRE II PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to receive an additional \$25,000 from the U.S. Department of Labor for the CETA Title III - Hire II program, and increase the American GI Forum Veterans Outreach Program's contract by the same amount. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

POLICE AND PROSECUTION PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to authorize the city's participation in an integrated Police and Prosecution Program to be submitted to the Law Enforcement Assistance Administration (LEAA). The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

AGENDA ITEM PULLED

Councilmember Trevino moved that the Council pull from the agenda consideration of authorizing acceptance of a grant from the governor's office in the amount of \$97,120.00 to assist the Selective Traffic Enforcement Program. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

PUBLIC HEARING RESET

Councilmember Trevino moved that the Council adopt a resolution to reset the date for a public hearing to permit the construction of approximately 1,400 feet of wastewater interceptor through park land in Williamson Creek Greenbelt, to May 10, 1979 at 10:00 A.M. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

COUNCIL MEETING SET TO CANVASS ELECTION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CALLING A SPECIAL CITY COUNCIL MEETING FOR MONDAY, APRIL 9TH, 1979, AT 10:00 A.M. FOR THE PURPOSE OF CANVASSING THE RETURNS AND DECLARING THE RESULT OF THE ELECTIONS HELD ON SATURDAY, APRIL 7TH, 1979; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor
McClellan

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

REGULATIONS FOR RAILROADS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 27 OF THE AUSTIN CITY CODE; ADDING A NEW SECTION 27-16; REQUIRING RAILROAD COMPANIES OPERATING IN THE CITY TO MAINTAIN A 24-HOUR EMERGENCY NUMBER; REQUIRING RAILROAD COMPANIES TO RESPOND TO CALLS OF MALFUNCTIONING GRADE CROSSING DEVICES WITHIN A SPECIFIC TIME; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan
 Noes: None
 Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SUBSECTIONS (b) AND (c) OF SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967, MAKING A CERTAIN DELETION AND ADDITION TO SAID SUBSECTIONS, THEREBY DECLARING THE MAXIMUM PRIMA FACIE SPEED LIMITS UPON A CERTAIN STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan
 Noes: None
 Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

DELETION Subsection c - 45 mph

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Kramer Lane	Lamar Boulevard (800 block)	Burnet Road (F.M. 1325) (2600 block)

ADDITION Subsection b - 40 mph

Kramer Lane	Lamar Boulevard (800 block)	Burnet Road (F.M. 1325) (2400 block)
-------------	--------------------------------	---

AGENDA ITEM POSTPONED

Councilmember Trevino moved that the Council postpone until April 19, 1979, the second and third reading of an ordinance establishing a procedure for implementing departmental rules, guidelines, standards, and specification promulgated pursuant to (a) The Comprehensive Plan; or, (b) Any Ordinance creating rule-making responsibility which is adopted in accordance with the Comprehensive Plan. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

TIME CHANGE FOR COUNCIL MEETING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING THAT THE CITY COUNCIL MEETING OF APRIL 12, 1979, SHALL BEGIN AT 6:00 P.M. INSTEAD OF 9:00 A.M.; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following zoning ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 39.973 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2713-1517 MONTOPOLIS ROAD, ALSO BOUNDED TO THE SOUTHEAST BY BEN WHITE BOULEVARD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Roberta P. Crenshaw, C14-78-220)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING ON STREET VACATION

Mayor McClellan opened the public hearing, scheduled for 9:30 A.M., on vacating the following and passage of Ordinance:

A portion of TAMARRON BOULEVARD. (Requested by Bryant-Curington, Inc., Agent for Austin Mall Company.)

Mr. John German, Director of Public Works, addressed Council as follows: "This is to consider a portion of the street. There is also a plat being considered by the Planning Commission which would dedicate new street right-of-way to replace this. We would recommend approval of this vacation subject to the final approval of that dedication in the new plat."

No one appeared to be heard.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF TAMARRON BOULEVARD IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

MEALS ON WHEELS FEST

Councilmember Trevino moved that the Council approve the request of Ms. Jane Richardson, Director, Meals on Wheels United Action for the Elderly, requesting permission to reserve Waterloo Park for April 28, 1979 to be used for annual fund raising event April 28, 1979, from noon to 4:00 p.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,
Councilmember Cooke
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

Ms. Richardson extended an invitation to members of the Council to attend the Meals on Wheels Fest.

LAW SCHOOL PARTY AT FIESTA GARDENS

MR. BRIAN KELLY JOHNSON, member, Board of Governors, Student Bar Association, University of Texas Law School, appeared before Council to request that they move back the curfew at Fiesta Gardens, Town Lake, from 12 midnight to 1:00 a.m., on April 5, 1979 to accommodate a party being held by the U.T. School of Law. Mr. Johnson explained that they were making the request because the Law School show is being held the same evening and the audience from the show wants to be able to attend the party and be there longer than an hour or so. Mayor McClellan said she fully understood the problem, but it is a week night for working people and feels the midnight curfew for a city facility is reasonable.

PAUL HERNANDEZ appeared before Council representing East Austin and suggested the music be shut off at 12 midnight, but the party would not have to stop until 1 a.m.

MR. WILLIE KOCUREK, law student, appeared and said he would see that the music is shut off at midnight.

Motion

Councilmember Trevino moved that the Council approve the extension of the party held by U.T. Law School until 1:00 A.M. April 6, but stipulated the music shall cease at midnight, April 5, 1979. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Councilmembers
Cooke, Himmelblau
Noes: None
Absent: Mayor Pro Tem Goodman, Councilmember Snell

RAIN DATES FOR STREET DANCE

Councilmember Mullen moved that the Council approve the request of Mr. Roland DeNoie, member, Board of Directors, Youth Emergency Service, Inc., for rain dates for street dance April 6, 7, & 8, 1979. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen
 Noes: None
 Absent: Mayor Pro Tem Goodman, Councilmember Snell

BANNER PERMIT

MR. EDWARD RENDON and MRS. MARY MUNIZ, chairman and member of the East Town Lake Citizens, appeared before Council requesting permission to place a banner between San Marcos Street and East 1st Street and that Council waive the \$100.00 fee.

Mr. Albert DeLaRosa, assistant City Attorney, informed them that City Council does not have the discretion to waive the banner fee. Councilmember Himmelblau asked if the city incurs expense in hanging banners. Mr. Davidson, City Manager, affirmed this by saying the hanging of banners includes the use of a city crew, truck, and hydraulic lift...plus the removal of the banner. Councilmember Trevino showed a list he had obtained of all banners that have been hung in this manner and pointed out there never has been a waiving of fees. He said Council should not set a precedent in this case. Mr. Paul Hernandez appeared as a member of East Town Lake Citizens and said the organization has no funds. Councilmember Trevino answered that there is probably some way to raise the money.

Motion

Councilmember Trevino moved that the Council approve the request of Mr. Rendon and Mrs. Mary Muniz, members, East Town Lake Citizens, for permission to place a banner between San Marcos Street and East 1st Street and did not waive the \$100.00 fee. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Himmelblau, Mullen
 Noes: None
 Absent: Mayor Pro Tem Goodman, Councilmember Snell
 Not in Council Chamber when roll was called: Councilmember Cooke

ZONING HEARING

Mayor McClellan announced Council would hear the zoning case scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning case was publicly heard:

PENDERGRASS & HOOD INCORPORATED By William Terry Bray C14-78-177	Corner of William Cannon Drive and Cooper Lane	From Interim "A" Residence 1st Height and Area To "O" Office & "A" Residence 1st Height and Area RECOMMENDED by the Planning Commission as amended subject to a special permit on that portion the office will be built on as agreed by the applicant and with 40 feet of "A" Residence, 1st Height and Area along the southernmost boundary.
---	--	---

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, and "A" Residence, 1st Height and Area District as recommended by the Planning Commission as amended, subject to conditions and with 40 feet of "A" Residence, 1st Height and Area District. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
 Trevino
 Noes: None
 Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and "A" Residence, 1st Height and Area District, subject to conditions and with 40 feet of "A" Residence 1st Height and Area along the southernmost boundary, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 1A, SAVE AND EXCEPT THE SOUTHERNMOST 40 FEET WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, SOUTHWEST MEDIPLEX, LOCALLY KNOWN AS THE CORNER OF WILLIAM CANNON DRIVE AND COPPER LANE; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Pendergrass and Hood., C14-78-177)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen,
Trevino

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mr. Clarke Heidrich appeared before Council representing the applicant and stated that applicant is in agreement with recommendation of Planning Commission.

SOUTHWEST QUADRANT STUDY

Mr. Davidson, City Manager, presented his report on the Southwest Quadrant Study. Mayor McClellan said she wanted to make certain they have had lots of input. She inquired of Mr. Ternus if he had. He said yes, both neighborhood associations agreed to the outline, the staff agreed to it and the Urban Transportation Commission endorsed it.

Motion

Councilmember Trevino moved that the Council accept the City Manager Report on Southwest Quadrant Study. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Cooke

AGENDA ITEM PULLED

Councilmember Himmelblau moved that the Council pull from the agenda consideration of setting a public hearing for April 26, 1979 to consider annexing the following:

115.06 acres of land known as Barrington Oaks Subdivision,
Section 6, 7, 8 and 9. (Requested by owners - C7a-78-012)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Goodman, Councilmember Snell

Not in Council Chamber when roll was called: Councilmember Cooke

ZILKER PARK RAILROAD CONTRACT

Mr. John Ehrler, Director, Parks and Recreation Department, presented the following report on the Zilker Park Railroad Contract:

On December 11, 1978, the attorney for Mr. B.E. Glenn, owner of the Zilker Park Railroad, presented to the Parks and Recreation Board a proposal to sell the railroad. Mr. Glenn's desire to sell the railroad was due to his health condition not allowing him to continue its operation. The Parks and Recreation Board agreed to allow Mr. Glenn to begin negotiations and pursue the sale of the railroad with the stipulation that the final contract of sale and any proposed revisions to the current concession contract be reviewed by the Parks and Recreation Board for their recommendation to the City Council. The Board also indicated their desire to meet with and review the qualifications of the prospective buyer.

During the past few months, Mr. Glenn has proceeded under the directions of the Parks and Recreation Board and has reached a tentative agreement with Mr. and Mrs. Nicholas Kostetsky for the sale of the railroad, subject to approval by the City Council of a revised concession contract. The proposed contract is essentially the same as the current contract with Mr. Glenn, but with the following exceptions:

1. The contract period will be revised to cover a 15-year initial period and one 5-year option at the discretion of the City. The 15-year period seems to provide a reasonable time for the prospective buyers to amortize their investment and is the minimum length of commitment that the buyers feel is acceptable.
2. Additional provisions have been inserted to clarify the expectation of the City in regard to the upkeep and maintenance of the railroad and its equipment.
3. The percentage of commission to the City for gross receipts in excess of \$100,000 has been increased to 15%, and for gross receipts over \$150,000 the percentage of payment to the City has been increased to 20%.
4. The concessionaire has been granted additional concession privileges for the sale of certain souvenir items relating to the railroad.
5. The fee for adult rides would be increased from 35¢ to 50¢, but the fee for children would remain the same at 35¢.

Both the contract of sale and the proposed new concession agreement have been reviewed and approved by the City Legal Department staff. The Parks and Recreation Department staff has also reviewed these documents and feels that they adequately protect the City's interest in continuing this concession in Zilker Park.

On March 26, 1979, the Parks and Recreation Board reviewed these documents and met with representatives of Mr. Glenn and the prospective buyers, Mr. and Mrs. Nicholas Kostetsky and made the following recommendation to City Council:

"It was moved by Mr. Nalle and seconded by Mrs. Arnold, that the Parks and Recreation Board recommend to City Council approval of termination of the present concession contract with Mr. B.E. Glenn, and approval of the proposed concession contract for the Zilker Park Railroad between Nicholas and Catherine Kostetsky and the City of Austin. The motion carried unanimously."

In order to complete the negotiations for this sale, City Council approval is needed on the termination of the current contract with Mr. Glenn, approval of the sale to Mr. and Mrs. Kostetsky, and approval of the revised contract with Mr. and Mrs. Kostetsky. In view of Mr. Glenn's declining health and the rapidly approaching Spring season, the Parks and Recreation Department recommends that the City Council act favorably on this proposal as soon as possible.

Councilmember Trevino asked if ample notice had been given to the public so anyone interested could apply for the contract. Mr. Davidson, City Manager, explained to him that this was a private sale and the city was not involved except in the consideration of the contract.

Mr. Ehrler then introduced the new owners Mr. and Mrs. Kostetsky to the Council and Chamber audience.

Motion

Councilmember Himmelblau moved that the Council approve the recommendation of the Parks and Recreation Board concerning the Zilker Park Railroad Contract by terminating the old contract and approving the new contract with the new owners. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Councilmember Cooke
Absent: Mayor Pro Tem Goodman, Councilmember Snell

ADJOURNMENT

Council adjourned its meeting at 10:35 A.M.

APPROVED

Carde Keeton McAllen

Mayor

ATTEST:

Grace Monroe

City Clerk